

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

5

Anderson

-v-

USA

U.S.C.A. #

U.S.D.C. #

JUDGE:

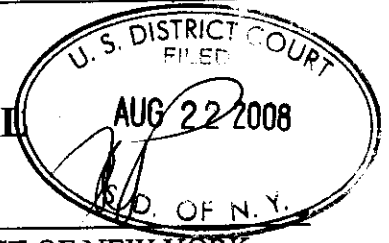
DATE:

08-cv-6677

GBD

AUGUST 22, 2008

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): THOMAS R. PISARCZYK
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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 22ND Day of August, 2008.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Anderson
 -v-
USA

U.S.C.A. # _____
 U.S.D.C. # 08-cv-6677
 JUDGE: GBD
 DATE: AUGUST 22, 2008

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 4, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 22ND Day of August In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233RD year.

J. Michael McMahon, Clerk

By 
 Deputy Clerk

2255, APPEAL, CLOSED, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-06677-GBD
Internal Use Only

Anderson v. USA
Assigned to: Judge George B. Daniels
Related Case: 1:07-cr-00265-GBD-1
Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 07/28/2008
Date Terminated: 07/28/2008
Jury Demand: None
Nature of Suit: 510 Prisoner: Vacate Sentence
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
07/28/2008	1	MOTION to Vacate, Set Aside or Correct Sentence (28 U.S.C. 2255). NO FURTHER ENTRIES. PLEASE SEE CRIMINAL CASE: 07-cr-265. Document filed by Marvin Anderson. (laq) (Entered: 08/05/2008)
07/28/2008		Magistrate Judge Gabriel W. Gorenstein is so designated. (laq) (Entered: 08/05/2008)
07/28/2008	2	ORDER OF DISMISSAL. The Clerk of Court is directed to assign a civil docket number to this action. The motion, however, is dismissed for the following reasons. Accordingly, the petitioner's motion under 28 U.S.C.2255 is dismissed as premature without prejudice to filing a new motion once petitioner's direct appeal has been decided. As the motion under 28 U.S.C.2255 makes no substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. The Court certifies pursuant to 28 U.S.C.1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 7/28/08) (laq) (Entered: 08/05/2008)
07/28/2008	3	JUDGMENT. Ordered, Adjudged and Decreed: That the petition is hereby dismissed.... a certificate of appealability will not issue.... We certify pursuant to 28 U.S.C. 1915(a) that any appeal from the Court's order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 7/28/08) (laq) (Entered: 08/05/2008)
08/15/2008	4	NOTICE OF APPEAL from 3 Judgment - Sua Sponte (Petition), 2 Order Dismissing Petition. Document filed by Marvin Anderson. Copies mailed to attorney(s) of record: A.U.S.A. (tp) (Entered: 08/22/2008)
08/15/2008		Appeal Remark as to 4 Notice of Appeal filed by Marvin Anderson. \$455.00 APPEAL FEE DUE. IFP REVOKED 7/28/08. COA DENIED 7/28/08.(tp) (Entered: 08/22/2008)
08/22/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 4 Notice of Appeal. (tp) (Entered: 08/22/2008)
08/22/2008		Transmission of Notice of Appeal to the District Judge re: 4 Notice of Appeal. (tp) (Entered: 08/22/2008)